

## **FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR Thursday, March 7, 2013.**

Alan Duke, Chair, called to order the special meeting of the Frederick County Board of Appeals ("Board") for Thursday, March 7, 2013 at 7:00 p.m. in the 1<sup>st</sup> Floor Hearing Room in Winchester Hall. Present were Mike Bowersox, Robert Fenimore, John Capoccia and Brad Dyjak. Also present were Michael Chomel, Senior Assistant County Attorney, Kathy Mitchell, Assistant County Attorney and Community Development Division staff Eric Soter, Director and Larry Smith, Zoning Administrator.

*Official Minutes of the Board of Appeals' meetings are kept on file in the Community Development Division.*

The Chair stated the rules and procedures for the hearing.

### **Cases**

The Chair swore in all persons who expected to testify at the meeting.

#### **B-13-02 Friends of Frederick County Inc., etal c/o The Law Office of Michele Rosenfeld LLC**

A Claim of Administrative Error was filed relative to the November 29, 2012 decision of the Board of County Commissioner's in the approval of the Development Rights and Responsibilities Agreement for Jefferson Technology Park MXD, Case No. DRRA-12-02.

*(Break 7:37 at p.m.; Resumed at 7:46 p.m.)*

Mr. Bowersox made a motion to deny paragraph three (III) of the Appellant's Statement of Justification of Appeal dated December 28, 2012 relative to "Limited Impact Development" as the issue is not within the purview of the Board of Appeals. The motion was seconded by Mr. Dyjak.

Mr. Dyjak requested an amendment of the motion to include section 1-20-12 APFO- Escrow Accounts as the cited section as the basis for denial of paragraph three (3) of the appeal.

Mr. Bowersox agreed to amend his motion.

The Board unanimously voted to deny paragraph three (III) of the appeal.

Mr. Dyjak made a motion to deny paragraph four (IV) of the Appellant's Statement of Justification of Appeal dated December 28, 2012 relative to the issue of the DRRA being "Inconsistent with the Comprehensive Plan" as the issue is not within the purview of the Board of Appeals as per section 1-25-4 (A)(9), seconded by Mr. Bowersox. However, after discussion with the Board and the Senior Assistant County Attorney, Mr. Dyjak withdrew the motion in order to clarify the wording.

On a motion from Mr. Bowersox, seconded by Mr. Dyjak, the Board unanimously voted to revise Article II § 2.2 (C) of the DRRA to change the word ‘And’ to ‘Or’ between the subparagraph’s three (3) and four (4) of paragraph two (II) of the Appellant’s Statement of Justification of Appeal dated December 28, 2012 relative to the issue of “Changes to the Mix of Uses”.

On a motion from Mr. Bowersox, seconded by Mr. Dyjak, the Board unanimously denied paragraph one (I) of the Appellant's Statement of Justification of Appeal dated December 28, 2012 based on the determination of finding no administrative error made by the Board of County Commissioners.

Being no further business, the meeting adjourned at 9:45 p.m.

Erica Cooke  
Recording Secretary

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